94. (New) The method of claim 82, wherein the attenuated myxomavirus is inactivated with beta-propiolactone.

95. (New) The method of claim 94, wherein the beta-propiolactone is at a concentration of 0.01%-1%.

REMARKS

Reconsideration of this application is respectfully requested. Claims 46-69 have been canceled. New claims 70-95 are derived from canceled claims 46-55 and are fully supported by the specification.

Claim 46 was rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by McCabe et al. Applicant's new claims 70-81 recite "passaging the adapted virus in a binary cell culture obtained by cell fusion of two cell types," as disclosed on pages 8-9, bridging paragraph, of the specification. The passaging of a myxomavirus in a binary cell culture is not disclosed in McCabe et al. Moreover, the Examiner conceded that passaging myxomavirus in AVIVER cells, a preferred type of binary cell culture, is not anticipated: "Claims 52-55 are free of the prior art." (Office Action at 8.) Accordingly, Applicant submits that McCabe et al. cannot anticipate Applicant's new claims 70-81, and respectfully requests withdrawal of the rejection.

Applicant's new claims 82-95 recite that the "attenuated myxomavirus has lost the receptor properties of one or more myxomavirus interferon receptor, one or more myxomavirus tumor necrosis factor receptor, and one or more myxomavirus interleukin receptor," as disclosed on page 15-16, bridging paragraph, of the specification. Such an attenuated myxomavirus is not disclosed in McCabe et al. Accordingly, Applicant

submits that McCabe et al. cannot anticipate Applicant's new claims 82-95, and respectfully requests withdrawal of the rejection.

Claims 46 and 47 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Saito et al. Applicant's new claims 70-81 recite "passaging the adapted virus in a binary cell culture obtained by cell fusion of two cell types." The passaging of a myxomavirus in a binary cell culture is not disclosed in Saito et al. Moreover, the Examiner conceded that passaging myxomavirus in AVIVER cells, a preferred type of binary cell culture, is not anticipated: "Claims 52-55 are free of the prior art." (Office Action at 8.) Accordingly, Applicant submits that Saito et al. cannot anticipate Applicant's new claims 70-81, and respectfully requests withdrawal of the rejection.

Applicant's new claims 82-95 recite that the "attenuated myxomavirus has lost the receptor properties of one or more myxomavirus interferon receptor, one or more myxomavirus tumor necrosis factor receptor, and one or more myxomavirus interleukin receptor." Such an attenuated myxomavirus is not disclosed in Saito et al. Accordingly, Applicant submits that Saito et al. cannot anticipate Applicant's new claims 82-95, and respectfully requests withdrawal of the rejection.

Claims 46 and 47 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Perera et al. Applicant's new claims 70-81 recite "passaging the adapted virus in a binary cell culture obtained by cell fusion of two cell types." The passaging of a myxomavirus in a binary cell culture is not disclosed in Perera et al. Moreover, the Examiner conceded that passaging myxomavirus in AVIVER cells, a preferred type of binary cell culture, is not anticipated: "Claims 52-55 are free of the prior art." (Office

Action at 8.) Accordingly, Applicant submits that Perera et al. cannot anticipate Applicant's new claims 70-81, and respectfully requests withdrawal of the rejection.

Applicant's new claims 82-95 recite that the "attenuated myxomavirus has lost the receptor properties of one or more myxomavirus interferon receptor, one or more myxomavirus tumor necrosis factor receptor, and one or more myxomavirus interleukin receptor." Such an attenuated myxomavirus is not disclosed in Perera et al. Accordingly, Applicant submits that Perera et al. cannot anticipate Applicant's new claims 82-95, and respectfully requests withdrawal of the rejection.

Claims 46-51 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mayr (US2003/0013190 A1) in view of Saito et al. Applicant's new claims 70-81 recite "passaging the adapted virus in a binary cell culture obtained by cell fusion of two cell types." The passaging of a myxomavirus in a binary cell culture is not disclosed in Mayr or in Saito et al. Moreover, the Examiner conceded that passaging myxomavirus in AVIVER cells, a preferred type of binary cell culture, is not obvious: "Claims 52-55 are free of the prior art." (Office Action at 8.) Accordingly, Applicant submits that Mayr in view of Saito et al. cannot make Applicant's new claims 70-81 obvious, and respectfully requests withdrawal of the rejection.

Applicant's new claims 82-95 recite that the "attenuated myxomavirus has lost the receptor properties of one or more myxomavirus interferon receptor, one or more myxomavirus tumor necrosis factor receptor, and one or more myxomavirus interleukin receptor." Such an attenuated myxomavirus is not disclosed in Mayr or in Saito et al. Accordingly, Applicant submits that Mayr in view of Saito et al. cannot make Applicant's new claims 82-95 obvious, and respectfully requests withdrawal of the rejection.

Claims 52-55 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Examiner contends that the AVIVER cells are required to practice the invention, and that the enablement requirement may be satisfied by a deposit of the AVIVER cells. Applicant traverses the rejection.

The specification teaches that AVIVER cells are "obtained by cell fusion between chick embryo fibroblasts (CEF) and Vero monkey kidney cells." (Specification at 8-9, bridging paragraph.) Both CEFs and Vero monkey kidney cells are readily available cell types and cell fusion techniques are widely known in the art. Thus, AVIVER cells are readily obtainable, and a deposit of the AVIVER cells of Applicant's claims is not required. Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claims 46-55 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite in the recitation of "monoparamunity" since no definition is provided in the specification. Applicant traverses the rejection. The term "monoparamunity" refers to paramunity caused by a single virus, as contrasted with paramunity caused by mixtures or combinations of viruses.

Nonetheless, Applicant's new claims 70-95 do not recite the term "monoparamunity." Rather, new claims 70-95 recite the term "paramunity," the meaning of which is clear based on the specification. (*See, e.g.,* Specification at 12-13, bridging paragraph.) Accordingly, Applicant respectfully requests withdrawal of the rejection.

Claim 46 was objected to for the term "monaparamunity." New claims 70-95 do not recite the term "monaparamunity." Accordingly, Applicant respectfully requests withdrawal of the objection.

Applicant respectfully submits that this application is in condition for allowance. Should the Examiner disagree, he is invited to contact the undersigned to discuss any outstanding issues.

Dated: February 25, 2008

By: _____

Salvatore J. Arrigo
Registration No. 46,063
Telephone: 202.772.1101
Facsimile: 888.866.4907
E-mail: sal@arrigo.us